

Message Text

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42

ACTION SS-25

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O 081450Z MAR 76
FM AMEMBASSY JIDDA
TO SECSTATE WASHDC IMMEDIATE 3968

C O N F I D E N T I A L JIDDA 1730

STADIS////////////////////////////////////

EXDIS

E.O. 11652: GDS
TAGS: MASS, SA, US
SUBJECT: COE ASSISTANCE TO PUBLIC WORKS MINISTRY

REF (A) STATE 23882, (B) STATE 22746, (C) STATE 53543,
(D) JIDDA 1385

1. AS WE NOTIFIED THE DEPARTMENT IN REF D, WE HAVE EXERCISED THE AUTHORITY TRANSMITTED REF A TO PROPOSE TO THE FOREIGN MINISTRY AN EXCHANGE OF NOTES BROADENING THE AUTHORITY OF THE COE TO PERFORM IN THE CIVILIAN SECTOR (TEXT OF OUR NOTE REF B).

2. REF C INFORMS US THAT THE 1965 CORPS AGREEMENT NO LONGER PROVIDES ADEQUATE AUTHORITY FOR THE CORPS TO PERFORM MILITARY PROJECTS IN SAUDI ARABIA. WHAT, IF ANY, EFFECT WILL THIS LEGAL DETERMINATION HAVE UPON OUR PROPOSED MODIFICATION OF THE 1965 AGREEMENT TO PERMIT THE CORPS TO FUNCTION IN THE CIVILIAN SECTOR?

3. WE HESITATE TO RAISE THIS MATTER LEST WE CREATE A LEGAL PROBLEM WHERE NONE NOW EXISTS BUT DO SO IN THE CERTITUDE THAT IT WOULD BE EXTREMELY EMBARRASSING AFTER THE EXCHANGE OF NOTES HAS BEEN COMPLETED TO INFORM THE SAG THAT THE MODIFICATION TO THE AGREEMENT WHICH WE HAD PROPOSED IS WITHOUT LEGAL EFFECT DUE TO THE VAGARIES OF U.S. LAW.

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4. WE HOPE WE ARE NEEDLESSLY CONCERNED BUT THE QUESTION OF COE ASSISTANCE TO THE MINISTRY OF PUBLIC WORKS HAS ALREADY BECOME SOMEWHAT OF A SENSITIVE SUBJECT. THE AMBASSADOR HAS REQUESTED AN APPOINTMENT TO PAY HIS INITIAL CALL ON PRINCE MIT'AB MARCH 15 OR 16. UNLESS WE HAVE HEARD TO THE CONTRARY BEFORE THEN, HE WILL TELL PRINCE MIT'AB THAT WE ARE PREPARED TO ASSIST HIS MINISTRY THROUGH THE COE AND THE ONLY THING CURRENTLY DELAYING PROGRESS IN THIS REGARD IS THE LACK OF AN SAG RESPONSE TO OUR PROPOSAL FOR MODIFICATION OF THE 1965 AGREEMENT.
PORTER

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